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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,898	02/02/2000	Judith C. Powelson	CALMP011	6827

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EXAMINER

HUBER, PAUL W

ART UNIT	PAPER NUMBER
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2653

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DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/496,898

Applicant(s)

POWELSON

Examiner

Paul Huber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,9-27,31,32,41-51 and 55-57 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,28-30,34-37,39,40 and 52-54 is/are rejected.
- 7) ☒ Claim(s) 5,33 and 38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,6. 6) ☐ Other: _____

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The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The applicant is requested to amend the blank areas located throughout the specification relating to application data which apparently was not known at time application was filed. See first page of specification for example.

Claim 33 is objected to as being identical to claim 7.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 6, 8, 28-30, 34, 35, 37, 39, 40, and 52-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Harvey et al. (USP-6,269,060).

Regarding claims 1, 2, 4, 6, 8, 34, 35, 37, 39, & 40, Harvey et al discloses a method and system of compensating a data writing process in an optical disc data storage channel. See figures 4B and 5. A write strategy matrix is derived wherein the write strategy matrix maps a plurality of input sequences to a plurality of write strategy parameters, wherein the input sequences each include a plurality of input data elements. See col. 6, line 59 through col. 7, line 5. "In one embodiment, the matrix is initialized by writing and reading a test pattern of symbols to the disc and determining the intersymbol interference, then determining signal levels to control the intersymbol interference." A write strategy processor 502 receives an input sequence (step 422), and using the write strategy matrix 504 then determines a selected write strategy parameter that corresponds to the input sequence (steps 424-430).

Regarding claims 28-30 & 52-54, Harvey et al teaches "the matrix is initialized by writing and reading a test pattern of symbols to the disc and determining the intersymbol interference, then determining signal levels to control the intersymbol interference." Therefore, Harvey et al discloses writing an input sequence to an optical data storage

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channel as claimed, in order to initialize the matrix by writing a test pattern of symbols to the disc. The matrix or array of timing data for the leading and trailing edges, as disclosed by Harvey et al, is considered the claimed plurality of subsequences of the input sequence. The sequence of output data is read or recovered from the optical data storage channel as claimed, and the plurality of subsequences is mapped to the plurality of write strategy parameters or "determin[ed] signal levels to control the intersymbol interference," as claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al, as applied to the claims above, in further view of Official Notice.

Harvey et al discloses the invention as claimed, but fails to specifically teach that the optical disc is an optical phase change disc. However, it is manifestly well known in the art that CD-R and CD-RW systems of the type described by Harvey et al record and reproduce information from a optical phase change disc and Official Notice is given.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Harvey et al such that the optical disc is a optical phase change disc as claimed and as well known in the art. A practitioner in the art would have been motivated to do this for the purpose of using the well known disc in the CD-R and CD-RW system of Harvey thereby keeping manufacturing costs low.

Relative to the doctrine of Official Notice, see *In re Fox*, 176 U.S.P.Q. 340 at 341 (CCPA-1973).

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Claims 5 & 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7, 9-27, 31, 32, 41-51, and 55-57 are allowed.

Claim 33 is objected to as being identical to claim 7, but would otherwise be allowable.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.



Paul Huber
Primary Examiner
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